IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

M.A.No. 407 /2002.

APPELLANT CLAIMANT : Laxmaniya wife of Sudama koir, aged about 60 years, Occupation- Agriculture & House work, R/o village-Khairi , Thana & Post- Patna, Tah. Baikunthpur, Distt.- Koriya (C.G.).

V E R S U S

RESPONDENT NON-APPLICANT :

1. National Insurance Co.Ltd., Through : Branch Manager, National Insurance Co.Ltd. Korba Post Office, Korba Distt. Korba (C.G.). (INSURER)

2. Ramlal Jaiswal S/o Mahadev Jaiswal, aged about 40 years, resident of village-Chhindiya Thana & Post- Patna, Tah. Baikunthpur, Distt. Koriya (C.G.). (OWNER)

3. Santlal son of Buddu Ram, aged about 28 years , Occupation-Driver, R/o village- Bardiya, Thana & Post- Patna, Tah. Baikunthpur Distt.- Koriya (C.G.) (DRIVER)

P.R. No. 1667
Presented by Shri Ashok Shukla
on 16-4-02

APPEAL UNDER SECTION 173 OF MOTOR VEHICLE ACT, 1988

FOR ENHANCEMENT OF THE AWARD :

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक MA 400/2002 **सन्** 200

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	19-12-2006 Shri Ashok Shukla and Shri O.P. Yadav, counsel for the appellant. Shri Anand Kumar Gupta, counsel for respondent No.1/ Insurance Company. None for respondents No.2 & 3. The case was listed before Lok Adalat, but could not be compromised; therefore, it was referred to the Court for regular hearing. Learned counsel for both the parties are heard finally. Learned Additional Motor Accident Claims Tribunal, Surajpur, (henceforth 'the Tribunal') vide award dated 31-1-2002 allowed the compensation of Rs.3000/- to the appellant. Feeling aggrieved this appeal under Section 173 of the Motor Vehicles Act, 1988 (henceforth 'the Act, 1988') has been preferred for enhancement of compensation. Laxmania (PW-1) in her statement has stated that she received injury on her head, chest and right hand. She was medically examined. So far as injuries are concerned, her statement is duly corroborated with medical examination report (Ex.P/3). She also deposed that she is under treatment and she incurred expenditure to the tune of Rs.50,000/-, her working efficiency has been reduced. To support the above evidence no Medical Officer has been examined. During arguments learned counsel for the appellant contended that atleast appellant should have been awarded an amount of Rs.10,000/-.	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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Medical Officer has not been examined and it appears that due to illiteracy appellant could not submit medical vouchers and failed to call Medical Officer for evidence but it is a known factum that whenever a person met with an accident such person remains under shock, pain and agony. An amount of Rs.3000/- towards compensation appears to be a meager sum, if in place of Rs.3000/- it would have been Rs.8000/- that should have been a just compensation.

In the result, the appeal of the appellant is partly allowed. Respondent No.1/Insurance Company is directed to pay an amount of Rs.5000/- (Rupees Five Thousand Only) in addition to what has already been awarded by the Tribunal.

The aforesaid amount shall be paid within a month from today and in default respondent No.1 shall pay interest at a rate of Rs.9% per annum till realization. Respondent No.1 shall also pay costs of the appeal to the appellant and towards counsel fee shall pay an amount of Rs.500/- (Rupees Five Hundred Only).

Sd/-
V.K. Shrivastava
Judge

Gowri

(पीछे देखिये)